

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                          |   |                              |
|--------------------------|---|------------------------------|
| UNITED STATES OF AMERICA | ) |                              |
|                          | ) |                              |
| v.                       | ) | CRIMINAL NO. 04-CR-10135-GAO |
|                          | ) |                              |
| JILL E. DOUCETTE         | ) |                              |
| Defendant                | ) |                              |

GOVERNMENT'S RESPONSE TO DEFENDANT'S  
MOTION TO SUPPRESS STATEMENTS

Now comes the United States, by its attorneys, Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, and hereby moves this Honorable Court to deny the defendant's motion to suppress certain statements. The defendant's motion rests on her assertion that she was not advised of her Miranda warnings in violation of Miranda v. Arizona, 384 U.S. 436, 16 L.Ed.2d 694, 86 S.Ct. 1602 (1966), and her assertion that she was "high" at the time she was questioned. In support of its request that this Court deny the defendant's motion to suppress, the United States avers the following: The defendant was arrested on April 7, 2004, as she sat in a vehicle with co-defendant Thomas Scola. The defendant was transported to the Wakefield Police Department, where Drug Enforcement Administration (DEA) Special Agent (SA) Clem Fisher advised her of her Miranda warnings prior to taking the statement which is

the subject of the defendant's motion to suppress.<sup>1</sup> The defendant waived her right to remain silent and to have an attorney present during post-arrest police questioning. As a result, this Court should deny the defendant's motion to suppress. In the alternative, this Court should conduct an evidentiary hearing to resolve the factual discrepancies.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ David G. Tobin  
DAVID G. TOBIN  
Assistant U.S. Attorney

Dated: February 23, 2005

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<sup>1</sup>On February 23, 2005, the undersigned attorney for the government spoke with DEA SA Fisher, who was performing DEA duties in Virginia, over the telephone. SA Fisher informed the undersigned attorney that he advised the defendant of her Miranda warnings utilizing a card he had on his person.